

PATENT

Application Serial No.: 10/790,934
Attorney Docket No.: 03-026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

Serial No.: 10/790,934

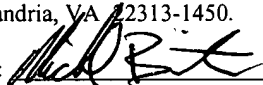
Filing Date: March 2, 2004

For: METHOD AND APPARATUS FOR
PROVIDING REGULAR ENTRANCE
INTO A BONUS GAME

) Examiner: Not Yet Assigned
)
) Group Art Unit: Not Yet Assigned
)
) Attorney Docket No: 03-026
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) Customer No.: 22927
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Priority mail in an envelope with sufficient postage and addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 06/10/04 By: 

Michael D. Brinton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.47(a)
TO REQUEST ACCEPTANCE OF NATIONAL APPLICATION
WITHOUT PARTICIPATION OF ONE OR MORE INVENTORS**

Sir:

Applicants request acceptance of the present application without participation of one or more inventors, which inventor(s) have refused to join in the application after diligent effort.

Relevant facts and proof

Applicants filed the present patent application on March 2, 2004. No Oath or Declaration was filed with the application on March 2, 2004.

06/16/2004 HLE333 00000127 500271 10790934

02 FC:1460 130.00 DA

Victor M. Garcia, an inventor on the present application, is no longer employed by Walker Digital. His last known address was: 315 Willow Street, New Haven, CT 06511.

On March 23, 2004, Applicants prepared and sent via certified, return receipt mail to Victor M. Garcia at what was then his last known address: 315 Willow Street, New Haven, CT 06511, a package containing the following documents: 1) Cover letter 2) Copy of Application with Formal Drawings; 3) Combined Declaration and Power of Attorney; 4) Assignment; and 5) Self addressed stamped envelope for return to Applicants. The cover letter included instructions to sign certain documents and return the same to Applicants. The cover letters also included a contact telephone number, should he require assistance. The cover letter further stated that should Applicants not hear from Victor M. Garcia by April 23, 2004, Applicants would construe his conduct as a refusal to sign and proceed with filing the Declaration and Assignment attesting that Victor M. Garcia refused to sign these papers. Victor M. Garcia did not return any of these documents to Applicants, nor did he contact Applicants in any way. (*Please see "EXHIBIT A" and AFFIDAVIT OF MICHAEL D. BRINTON*)

On April 26, 2004, Applicants called and left a detailed telephone message for Victor M. Garcia at his last known home telephone number of (203) 624-3536. Applicants requested that Victor call Applicants to follow up regarding the status of his signature on the Declaration and Assignment mailed to his home on March 23, 2004. Applicants provided their telephone number in this message. Victor M. Garcia did not return Applicants' call. (*Please see AFFIDAVIT OF MICHAEL D. BRINTON*)

On May 3, 2004, Applicants called Victor M. Garcia at his last known home telephone number of (203) 624-3536. Victor M. Garcia answered the telephone. Applicants inquired about the status of Victor's signature on the documents mailed to his home on March 23, 2004. Victor M. Garcia confirmed receipt of the documents mailed to his home on March 23, 2004, but verbally refused to sign the documents. Additionally, he indicated that he is unwilling to cooperate in signing any documents pertaining to Walker Digital in the future. (*Please see AFFIDAVIT OF MICHAEL D. BRINTON*)

Last known address(es) of the non-signing inventor(s)

The latest address of Victor M. Garcia is:

315 Willow Street
New Haven, CT 06511

Oath or Declaration

Applicants have filed an oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor(s) left blank.

Petition Fee

Please charge **\$130.00** for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Petition, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

If the Examiner has any questions regarding this petition or the present application, the Examiner is cordially invited to contact Dean P. Alderucci at telephone number (203) 461-7337 or via electronic mail at Alderucci@walkerdigital.com.

Respectfully submitted,



June 10, 2004
Date

Dean P. Alderucci
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(203) 461-7300/fax




AFFIDAVIT OF MICHAEL D. BRINTON

I am employed at Walker Digital Management, LLC as a patent paralegal.

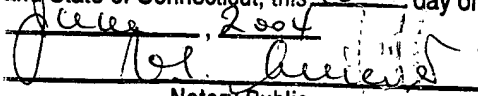
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Michael D. Brinton
June 10, 2004

Subscribed and Sworn to before me, a Notary
Public, in and for County of Fairfield
and State of Connecticut, this 10th day of
June, 2004


Notary Public
My Commission Expires Aug. 31, 2007